

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE: §  
§  
JOHN J. GORMAN, IV, § Case No. 16-10740-TMD  
§ Chapter 7  
DEBTOR. §

**DEBTOR'S AMENDMENTS TO SCHEDULES OF ASSETS AND LIABILITIES  
AND STATEMENT OF FINANCIAL AFFAIRS IN ACCORDANCE WITH  
LOCAL RULE OF BANKRUPTCY PROCEDURE 1019 (AS MODIFIED)**

**BACKGROUND**

1. John J. Gorman, IV (the “**Debtor**”) filed for Chapter 11 relief on June 27, 2016 (the “**Petition Date**”).
2. On October 13, 2016, the Court entered an order appointing Richard Schmidt to serve as the Chapter 11 Trustee (the “**Chapter 11 Trustee**”). (Dkt. No. 110).
3. On March 31, 2019, the Debtor’s case was converted to Chapter 7.
4. On April 1, 2019, John Patrick Lowe was appointed to serve as the Chapter 7 Trustee (the “**Chapter 7 Trustee**”).
5. On June 28, 2019, in accordance with Local Rule 1019, the Debtor filed *Debtor’s Amendments to Schedules of Assets and Liabilities and Statement of Financial Affairs in Accordance with Local Rule of Bankruptcy Procedure 1019 (“Debtor’s Amendments”)* (Dkt. No. 454). Based on questions raised by the Chapter 7 Trustee after the filing and in anticipation of the §341 meeting currently scheduled for July 29, 2019, the Debtor files this modification to

the Debtor's Amendments.<sup>1</sup> The Debtor is prepared to address this modification at his §341 meeting.

### **SCHEDULES**

6. On August 15, 2016, the Debtor filed his Amended Schedule of Assets and Liabilities (collectively, as amended and supplemented from time to time, the "**Schedules**") (Dkt. No. 28) and the Amended Statement of Financial Affairs (Dkt. No. 29) (collectively, the "**SOFA**," and, together with the Schedules, the "**Schedules and Statements**") in the United States Bankruptcy Court for the Western District of Texas, Austin (the "**Bankruptcy Court**") in accordance with section 521 of title 11 of the United States Code (the "**Bankruptcy Code**"), and Rule 1007 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy Rules**").

7. On January 26, 2017, the Chapter 11 Trustee filed an objection to the Debtor's exemptions. (Dkt. No. 147).

8. On June 19, 2017, the Debtor filed an Amended Schedule C. (Dkt. No. 171).

9. By order dated October 23, 2017, the Court approved a mediated settlement between the Chapter 11 Trustee and the Debtor pursuant to Bankruptcy Rule 9019, whereby the Chapter 11 Trustee withdrew his prior objection to certain of the Debtor's exemptions (the "**Settlement Order**"). (Dkt. No. 227).

10. On February 11, 2019, the Debtor filed a Supplement to his Schedule C to assert an exemption with regard to certain litigation claims. (Dkt. No. 345).

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<sup>1</sup> On July 25, 2019, the Chapter 7 Trustee requested that the Debtor file wholly new schedules A, B, and C utilizing Official Forms to reflect the modifications noted herein. However, such an amendment is: (i) cost-prohibitive, (ii) beyond the scope of the Bankruptcy Rules and Local Rules, and (iii) additionally problematic given the Debtor is asked to file a post-petition amendment of schedules three years into a case in which he was divested of control, which schedules purport to provide information "as of" the Petition Date. Thus, the Debtor has filed this modification in good faith in order to comport with Local Rule 1019.

11. The Chapter 11 Trustee asserted that the supplement to the Debtor's Schedule C has reopened the deadline for parties in interest to object to all of the Debtor's claimed exemptions. *See* (Dkt. No. 359). The Debtor disputes this assertion.

12. On March 1, 2019, the Court entered an order extending the time period for all parties in interest to object to the Debtor's exemptions without hearing. (Dkt. No. 360).

13. The Debtor asserts that with respect to the Debtor's claimed exemptions that were allowed pursuant to the Settlement Order, such Order is *res judicata* with regard to such exemptions.

#### **GENERAL RESERVATIONS**

14. As set forth above, during the course of the Chapter 11 bankruptcy, the Chapter 11 Trustee controlled the financial affairs of the estate. Accordingly, the Debtor would direct parties in interest to the Chapter 11 Trustee's report in accordance with Federal Rule of Bankruptcy Procedure 1019 as to post-petition transactions. Nevertheless, in accordance with Local Rule 1019, the Debtor has made good faith efforts to ensure that the Schedules and Statements are accurate and complete to the best of his knowledge based upon the limited information that is available to him at the time of the preparation hereof. Likewise, counsel was unable to assist the Debtor substantively with any investigation of the Debtor's books and records in preparation of this Amendment given that the Debtor no longer possesses the original books and records from which the Schedules and Statements were originally prepared. Subsequent information or discovery may result in changes to the Schedules and Statements, and inadvertent errors or omissions may exist. Likewise, given the establishment of a bar date in these cases, the claims register may reflect the most recent claims data.

15. The Schedules and Statements do not purport to represent financial statements prepared in accordance with Generally Accepted Accounting Principles nor are they intended to be fully reconcilable to audited financial statements. Because the Schedules and Statements contain unaudited information, which remains subject to further review, verification, and potential adjustment, there can be no assurance that the Schedules and Statements are complete. The Debtor reserves all rights to dispute or otherwise assert offsets or defenses to any claim reflected in the Schedules and Statements as to amount, liability, or classification.

16. The Debtor reserves all rights relating to the legal ownership of assets and liabilities, and nothing in the Schedules or Statements shall constitute a waiver or relinquishment of such rights.

17. Unless otherwise noted, the Schedules and Statements reflect the carrying value of the assets and liabilities as recorded on the Debtor's books as of the Petition Date. Net book values may vary, sometimes materially, from market values. The Debtor has not endeavored to amend these Schedules and Statements to reflect market values.

18. The Bankruptcy Court authorized the Chapter 11 Trustee to pay certain claims from time to time. Accordingly, certain outstanding liabilities may have been reduced by post-petition payments made on account of prepetition liabilities. Where the Schedules list creditors and set forth the Debtor's scheduled amount of such claims, such scheduled amounts reflect amounts owed as of the Petition Date. The Debtor reserves all rights to file claims objections, as is necessary and appropriate to avoid overpayment or duplicate payments for liabilities.

19. Claim amounts that could not readily be quantified by the Debtor are scheduled as "unknown" or "undetermined." The description of an amount as "unknown," or "undetermined" is not intended to reflect upon the materiality of such amount.

## AMENDMENTS

1. **Classifications.** Listing a claim (a) on Schedule D as “secured,” (b) on Schedule E as “priority,” or (c) on Schedule F as “unsecured,” or a contract on Schedule G as “executory” or “unexpired,” does not in each case constitute an admission by the Debtor of the legal rights of the claimant, or a waiver of the Debtor’s right to file an objection seeking to recharacterize or reclassify such claim or contract.
2. **Schedule A/B - Real and Personal Property.**
  - a) **Schedule A/B. Part 1.** All real property owned by the Debtor was sold pursuant to Court order prior hereto.
  - b) **Schedule A/B. Part 2.** The Ford F250 listed on the Debtor’s Schedules at 3.1. was also sold during the bankruptcy.
  - c) **Schedule A/B. Part 3.** All of the property listed in Section 6. has been sold or has been otherwise disposed of by the Debtor (all of which was exempt).
  - d) **Schedule A/B. Part 3. 17/18.** Bank/stock account balances are true and correct to the best of the Debtor’s knowledge as of the Petition Date.
  - e) **Schedule A/B. Part 4. 33.** The Debtor’s claims against third parties is supplemented to include the following claims in addition to those listed on Schedule A/B (Dkt. No. 28):
    - All of the Debtor’s rights under the Trenwick-Tejas Voting Agreement and Irrevocable Proxy dated January 31, 2005, and the Trenwick Stepdown Agreement dated May 3, 2006, including those rights originally held in the name of Tejas Securities Group, Inc. 401(K) Plan and Trust FBO John J. Gorman.
    - Commercial tort claims and causes of action held by the Debtor or in the name of the Tejas Securities Group, Inc. 401(K) Plan and Trust FBO John J. Gorman against, *inter alia*, National Union Fire Insurance of Pittsburgh PA, Tejas Securities Group, Inc., Gary Salamone, Michael Dura, Robert Halder, A. Peter Monaco, James J. Pallotta, Michael Navarre, Darrell Windham, James Fellus, Greenberg Traurig, LLP, Norton Rose, Fulbright Jaworski, Focus Strategies LLC, Lovell Minnick Partners, Raptor Capital Management LP and Apex Clearing Corporation, and any others acting in concert with same for acts and omissions leading to loss of the Debtor’s exemptions with respect to those certain IRAs and Roth IRAs made part of the Settlement Order, which held, *inter alia*, securities in Trenwick America LLC, Odeon Capital Group LLC, Westech Capital Corporation and Ecoturismo La Escondida Mgt, LLC, RBarC LLC interests and easements and Epoia Interactive

Studios LLC. The Debtor also asserts that the proceeds of any insurance policy related to the foregoing constitutes exempt property, including but not limited to, that certain Directors and Officers Policy issued by Federal Insurance Company (Policy No. 8224-5497).

- Causes of actions against Tejas Securities Group, Inc., Robert Halder, Gary Salamone and Apex Clearing Corporation (Arb. No. 14-00936) with respect to FINRA violations, including the SPIC insurance related thereto.

### 3. Schedule C – Exempt Property.

- a) **Schedule C. Part 1.** The real property (5404 Maryanna) and the vehicle (2014 Ford) listed in Item 2. have been sold. All of the furniture and appliances (referring therein to Line A/B.6.1) has been disposed of.
- b) Pursuant to the Settlement Order, the Debtor waived his exemption as to the following IRAs and the securities in such IRAs (The following references are made to Dkt. No. 171):
  - Roth IRA: Fidelity \$43.83  
(xxxxx5614)
  - Traditional IRA: Odeon Capital Group LLC \$22,769.80  
(xxx-xx0107)
  - Traditional IRA: Fidelity \$42.86  
(xxxxx5607)
  - Roth IRA: Trenwick America, LLC Unknown  
(xxx-x0318)
  - Roth IRA: JP Morgan Chase Bank, N.A. \$39.99  
(xxxxx0009)
  - Roth IRA: \$60,000.00  
Ecoturismo La Escondida  
Mgt, LLC,
  - Roth IRA: 12 shares in Westech  
Capital Corporation Series A Preferred Unknown
  - Roth IRA: Apex Clearing Corporation Unknown

c) Pursuant to the Supplement to Schedule C (Dkt. No. 345) and as set forth below, the Debtor claims an exemption as to the following:

- All of the Debtor's rights under the Trenwick-Tejas Voting Agreement and Irrevocable Proxy dated January 31, 2005, and the Trenwick Stepdown Agreement dated May 3, 2006, including those rights originally held in the name of Tejas Securities Group, Inc. 401(K) Plan and Trust FBO John J. Gorman. (Tex. Prop. Code § 42.0021)
- Commercial tort claims and causes of action held by the Debtor or in the name of the Tejas Securities Group, Inc. 401(K) Plan and Trust FBO John J. Gorman against, *inter alia*, National Union Fire Insurance of Pittsburgh PA, Tejas Securities Group, Inc., Gary Salamone, Michael Dura, Robert Halder, A. Peter Monaco, James J. Pallotta, Michael Navarre, Darrell Windham, James Fellus, Greenberg Traurig, LLP, Norton Rose, Fulbright Jaworski, Focus Strategies LLC, Lovell Minnick Partners, Raptor Capital Management LP and Apex Clearing Corporation, and any others acting in concert with same for acts and omissions leading to loss of the Debtor's exemptions with respect to those certain IRAs and Roth IRAs made part of the Settlement Order, which held, *inter alia*, securities in Trenwick America LLC, Odeon Capital Group LLC, Westech Capital Corporation and Ecoturismo La Escondida Mgt, LLC, RBarC LLC interests and easements and Epoia Interactive Studios LLC. The Debtor also asserts that the proceeds of any insurance policy related to the foregoing constitutes exempt property, including but not limited to, that certain Directors and Officers Policy issued by Federal Insurance Company (Policy No. 8224-5497). (Tex. Prop. Code § 42.0021)
- The Debtor asserts that any cause of actions held against Tejas Securities Group, Inc., Robert Halder, Gary Salamone and Apex Clearing Corporation (Arb. No. 14-00936) with respect to FINRA violations, including the SPIC insurance related thereto, also constitute exempt property. (Tex. Prop. Code § 42.0021)

4. **Schedule D - Creditors Holding Secured Claims.** Except as otherwise agreed pursuant to a stipulation or order entered by the Bankruptcy Court, the Debtor reserves his rights to dispute or challenge the validity, perfection, or immunity from avoidance of any lien purported to be granted or perfected in any specific asset of a secured creditor listed on Schedule D of the Debtor. Moreover, although the Debtor has scheduled claims of various creditors as secured claims, the Debtor reserves all of his rights to dispute or challenge the secured nature of any such creditor's claim or the characterization of the structure of any such transaction or any document or instrument related to such creditor's claim. The descriptions provided in Schedule D are solely intended to be a summary and not an admission of liability.

Moreover, the Debtor has not included on Schedule D parties that may believe their claims are secured through setoff rights or inchoate statutory lien rights.

The following Schedule D claims have either been satisfied or are no longer secured due to the sale of underlying collateral:

a)	Centennial Bank – Item 2.2	(\$1,657,141.14)
b)	Ford Motor Credit – Item 2.3	(\$29,676.42)
c)	Green Park Homeowners Association – Item 2.5	(\$350.00)
d)	JPMorgan Chase – Item 2.6	(\$1,654,236.60)
e)	JPMorgan Chase – Item 2.7	(\$859,954.96)
f)	Lake Point Homeowners Association – Item 2.8	(Unknown)
g)	Seterus – Item 2.9	(\$68,865.22)

5. **Schedule E/F – Creditors Holding Unsecured Claims.**

a) **Schedule E/F. Item 4. 39.** The automobile associated with this debt belonged to the Debtor's former spouse. This debt should be "Contingent" and "Disputed."

**GENERAL DISCLOSURES APPLICABLE TO SOFA**

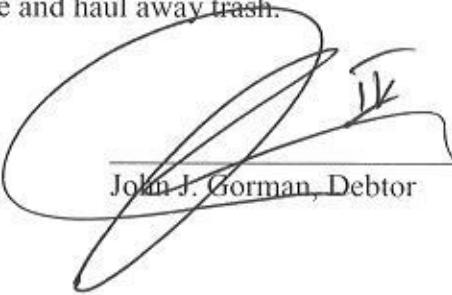
1. **General Reservations.** Given that the SOFA requests information "as of" the Petition Date, the Debtor has not endeavored to update his responses to the current date, except as set forth below.
2. **SOFA. Part 1. Question 1.** The Debtor and his wife are now divorced, but a final property settlement has not yet been entered.
3. **SOFA. Part 4. Question 9.** The Debtor reserves all of his rights and defenses with respect to any and all listed lawsuits and administrative proceedings. The listing of any such suits and proceedings shall not constitute an admission by the Debtor of any liabilities or that the actions or proceedings were correctly filed against the Debtor or any affiliates of the Debtor. The Debtor also reserves his rights to assert that a Debtor is not an appropriate party to such actions or proceedings. The Debtor has not endeavored to amend the SOFA to update such litigation after the Petition Date, given that most litigation was stayed or controlled by the Chapter 11 Trustee.

**POST-PETITION TRANSACTIONS**

Except as set forth below, the Debtor is not aware of any undisclosed post-petition transactions or Chapter 11 administrative expenses other than those incurred or controlled by the Chapter 11 Trustee:

Dustin Krieger, 235 Bluff Woods, Driftwood, Texas 78619  
Incurred March 19, 2018  
Post-petition claim \$20,000  
Landscaping for sale of home and haul away trash.

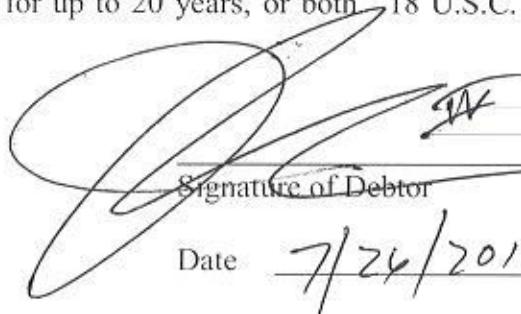
Dated: July 26, 2019.

  
John J. Gorman, Debtor

**DECLARATION IN SUPPORT OF DEBTOR'S AMENDMENTS  
TO SCHEDULES OF ASSETS AND LIABILITIES AND  
STATEMENT OF FINANCIAL AFFAIRS IN ACCORDANCE WITH  
LOCAL RULE OF BANKRUPTCY PROCEDURE 1019 (AS MODIFIED)**

I, JOHN J. GORMAN, IV, state and declare:

1. I am the debtor in the above-referenced bankruptcy proceeding (the "Debtor").
2. I have not paid or agreed to pay anyone who is not an attorney to help me fill out my bankruptcy forms.
3. On this date, I filed the *Debtor's Amendments to Schedules of Assets and Liabilities and Statement of Financial Affairs in Accordance with Local Rule of Bankruptcy Procedure 1019 (as Modified)*.
4. Under penalty of perjury, I declare that I have read the foregoing Debtor's Amendments to summary and schedules and that they are true and correct.
5. I have read the Debtor's Amendments as they relate to the *Statement of Financial Affairs* (Dkt. No. 29) and any attachments, and I declare under penalty of perjury that the answers are true and correct. I understand that making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.



\_\_\_\_\_  
Signature of Debtor  
\_\_\_\_\_  
Date 7/24/2019

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on July 26, 2019, a true and correct copy of the foregoing document was served via ECF-Notice on all parties requesting such notice, via ECF-Notice and/or E-mail on the parties listed below and via ECF-Notice and/or U.S. Regular Mail on the parties shown on the attached Service List.

**Chapter 7 Trustee**

John Patrick Lowe  
2402 East Main Street  
Uvalde, TX 78801  
[pat.lowe.law@gmail.com](mailto:pat.lowe.law@gmail.com)

**Counsel to Chapter 7 Trustee**

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*/s/ Michelle V. Larson*  
\_\_\_\_\_  
Michelle V. Larson

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AHA III Properties LLC

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68 First Ave

c/o Eric J. Taube

Austin, TX 78737-9133

Red Bank, NJ 07704

Waller Lansden Dortch &amp; Davis, LLP

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AT&amp;T Mobility II LLC

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327 FM 2004

%AT&amp;T SERVICES INC.

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Lake Jackson, TX 77566-4980

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Dallas, TX 75240-6215

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Austin, TX 78714-1669

Daimler Trust  
c/o BK Servicing, LLC  
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Roseville, MN 55113-0011

Direct Propane Services  
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Directv, LLC  
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Carol Stream, IL 60197-5008

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Directv, LLC  
by American InfoSource as agent  
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Saint Louis, MO 63179-0119

Ford Motor Credit  
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Tampa, FL 33631-3111

(p) FORD MOTOR CREDIT COMPANY  
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Frost Bank Recovery Dept  
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San Antonio, TX 78299-2901

Gregory S Milligan, Ch 11 Trustee  
c/o Shelby A. Jordan  
Jordan Hyden Womble Culbreth & Holzer  
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 Gregory S. Milligan Gregory S. Milligan of 16 Hon. Richard S. Schmidt, Ch. 11 Trustee  
 Ch. 7 Trustee of Westech Capital Corp. Court Appointed Liquidating Trustee  
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 P.O. Box 90099 Harney Management Partners, LLC  
 Austin, TX 78709-0099 P.O. Box 90099  
 Hughes Network Systems Austin, TX 78709-0099  
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 400 N. Sam Houston Parkway East  
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 Houston, TX 77060-3548  
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 Chase Records Center Attn: Corres.  
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 700 Kansas Lane  
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 c/o BDFTE, LLP  
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GPCC I LLC  
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